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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.13453 of 2022

1. Swaminathan
2. Rajalakshmi

... Petitioners/Accused
Ranks Not Known

Vs.

State rep.by
The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
(Crime No.390 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Deenadhayalan S, Advocate.

For Respondent : Mr.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.390 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 454 and 380 IPC, in Crime No. 390 of 2022, seek anticipatory bail.

2. The allegation against the petitioners is that the defacto complainant gave a sum of Rs.8,50,000/- to the petitioners for investing in UTS Company. When the defacto complainant demanded repayment of the amount, on 22.01.2022, the petitioners asked the defacto complainant to vacate the premises and the petitioners cut the water supply and electricity supply. The defacto complainant lodged a complaint before the respondent police. When the defacto complainant was residing in her relative's house, on 23.05.2022, at about 11.00 am., the defacto complainant came to know that somebody broke open the house and looted the house. A case in Crime No.390 of 2022, was registered against the petitioners.



3. On the side of the petitioners, it is stated that the dispute is only between the landlord and the tenant. The defacto complainant failed to pay the rent in time and a huge amount is pending towards rent arrears and the petitioners requested the defacto complainant to vacate the house. Since the defacto complainant refused to vacate the house, the petitioners lodged a complaint against the defacto complainant, on 09.03.2022 and the same was numbered in C.S.R.No.95 of 2022. Only as a counter blast, the defacto complainant has lodged this Complaint. The petitioners never obtained any money from the defacto complainant. The occurrence is said to have taken place on 23.05.2022, but, the complaint was lodged only on 06.06.2022. The delay was not explained and prayed the petitioner to be released on bail.

4. On the side of the prosecution, it is stated that the defacto complainant is a lease holder. The defacto complainant deposited Rs.8,50,000/- to the petitioners. When the same was demanded, the petitioners demanded the defacto complainant to vacate the premises. In the absence of the defacto complainant, the house was looted and Rs.4,00,000/- worth articles were stolen.

5. Considering the nature of the offence and considering the circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thanjavur District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am for a period of 2 weeks and thereafter, as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;



(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

06/09/2022

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Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
TAMIL UNIVERSITY POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.13453 of 2022

Date : 06/09/2022